

REMARKS**Double Patenting - 09/475,448; 09/475,449**

Claims 1, 5, 7 and 8 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1, 6, 9 and 7, respectively, of copending Application No. 09/475,448.

Claims 1,5,7, 8 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1, 4, 8 and 14, respectively, of copending Application No. 09/475,449. Claims 1-10 are cancelled. New independent claims 11 - 26 are added.

The office actions further states, "A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application."

Therefore, terminal disclaimers are filed as attached wherein the applicant disclaims the patent term of any issued patent that extends beyond the term of any patent that results from applications 09/475,448 or 09/475,449.

Claim Rejections - 35 USC § 102

Claims 1-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by US 5,969,748 to Casement et al. Claims 1-10 are hereby cancelled. New independent claims 11,16,20,24 and 25 each include both a limitation directed to a blocking profile and a limitation directed to an override list to be applied to the blocking profile.

The office action states Casement discloses an override system for entering instructions to temporarily override ratings (figure 2D), spending (figures 2G, 2H), and/or view time limits (figure 2E).

However, applicant respectfully disagrees with the office action. Figures 2D, 2G and 2H of Casement merely disclose mechanisms by which a supervisor or parent can configure channel controls to lock or unlock viewing. In other words, the system illustrated in the figures cited by the office action allows a supervisor to control viewing by locking or unlocking based on various criteria, including time. According to Casement, to change a limit from blocked to unblocked requires changing the last set limit from a previous status to a new state, or alternatively, tuning to a locked channel and entering a password to unlock it. Casement states:

"The user may lock TV programs by channel, by rating and/or content, or by time. If the user desires, for example, to lock by time, the user may move the cursor to the "Lock by Time" location and inputs the SELECT key. Alternatively, if programs have been locked, the user may unlock all programs that have been locked."

"...the user may unlock individual programs by tuning directly to the programs from either the TV or the TV schedule guide, and entering the correct password. If the user tunes to a locked channel, the system displays a blue screen over the TV screen, and mutes the audio. A pop-up will appear requesting the parental password. If the correct password is supplied, the system removes the blue screen and restores the audio. However, in this case, when the user tunes off a previously locked channel, the parental lock will be automatically restored. Hence, if the user tunes off the locked channel, and then tunes back, the user must re-enter the password to view the locked channel."

The term "override" is not used in the Casement specification. Casement fails to disclose any override means or steps. The ordinary meaning of the word "override" is: to prevail over : **DOMINATE** b : to set aside : **ANNUL** <override a veto> c : to neutralize the action of (as an automatic control). (Mirraim-Webster's, online dictionary). In particular, an "override list" according to applicant's claims, prevails over selected ones of the channel controls set by the supervisor without changing the supervisor's underlying control settings. The claimed override list acts to dominate selected settings so as to neutralize their action, while preserving the underlying "profile" to which the override list is applied.

Applicants newly presented independent claims include both of the following limitations. First, each claim includes a reference to at least one blocking profile. Second,

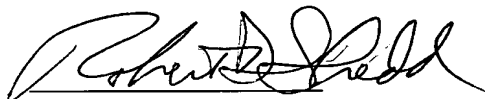
each claim refers to an override list to be applied to the blocking profile. This limitation is not met, or suggested by any cited reference taken alone or in combination.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102(e) and allowance of claims 11-26 at the earliest possible date.

Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would clarify any issues raised herein.

Respectfully submitted,

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